



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

November 14, 2016

Kristin Thomas  
United States Marine Corps  
Marine Corps Base Camp Pendleton  
Bldg 22165  
Camp Pendleton, California 92055-5008

Subject: Santa Margarita River Conjunctive Use Project Final Environmental Impact  
Statement/Environmental Impact Report, San Diego County, California  
[CEQ# 20160233]

Dear Ms. Thomas:

The U.S. Environmental Protection Agency has reviewed the above-referenced document. Our review and comments are pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft EIS and provided comments in a letter dated June 23, 2014. We rated the Draft EIS as *Environmental Concerns – Insufficient Information* (EC-2) primarily due to our concerns about the proposed project's potential impacts on water resources, habitat, and special status species. We appreciate the additional information in the response to comments regarding consultation with U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Based on our review of the Final EIS, EPA still has minor concerns about impacts to water resources and implementation of the analysis process to avoid, minimize, and compensate for such impacts.

*Clean Water Act Section 404*

According to the United States Marine Corps' (USMC) response to comments, a Clean Water Act (CWA) Section 404 Individual Permit will be obtained from the U.S. Army Corps of Engineers for impacts to waters of the U.S. EPA recommends that, prior to issuing the Record of Decision (ROD), the USMC confirm with the U.S. Army Corps of Engineers that, in compliance with EPA's 404(b)(1) Guidelines ("Guidelines"), the selected alternative would avoid and minimize impacts to waters of the U.S. to the greatest extent practicable and that unavoidable impacts are fully mitigated. Please include the results of the analysis in the ROD. We reiterate our recommendation that for future projects subject to the NEPA process, which also require a CWA Section 404 permit, federal agencies provide sufficient information in the Draft EIS to demonstrate compliance with the Guidelines. Under our responsibilities for implementation of the Guidelines, EPA may have further comments on this project as part of the Section 404 CWA permit process.

*Adaptive Management Plan/Facilities Operation Plan*

We recommend that the USMC include in the ROD the final Adaptive Management Plan/ Facilities Operation Plan (AMP/FOP) for the project. We reiterate our recommendation that the AMP/FOP should

clearly articulate the proposed project's numerous management objectives and options for operating facilities to meet these objectives. The objectives identified in the plan should be explicit and measurable, and the triggers, thresholds, and associated action commitments should be well defined.

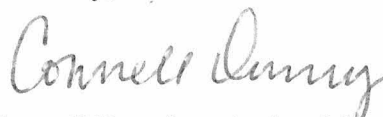
#### *Climate Change Impacts and Greenhouse Gas Emissions*

While the USMC has provided information regarding future climate change for the project site, the FEIS does not discuss how the range of anticipated climate changes might contribute to the project's impacts or otherwise result in other management challenges for the project's operation. We note that both the USFWS's and the NMFS's Biological Opinions (BOs) include consideration for climate change's impacts to Santa Margarita River future flows; however, at this time it is not clear how these considerations will be incorporated into the Corps decision for this action. The AMP/FOP should also explicitly address the uncertainty of climate change on the project site and the operational tools that the USMC will employ to adapt diversion operations to satisfy the conditions of the NMFS and USFWS BOs for the project.

Finally, we wish to address the statement in the FEIS that "[t]he potential effects of proposed GHG emissions are by nature global and cumulative impacts, as individual sources of GHG emissions are not large enough to have an appreciable effect on climate change." As explained in the White House Council on Environmental Quality's recent *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, such statements are "not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change itself: the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact." For purposes of NEPA, EPA recommends that the Corps follow the approach outlined by the CEQ's Guidance regarding the analysis of GHG emissions and climate change. The Guidance can be found at <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>.

We appreciate the opportunity to review and comment on this Final EIS. When the Record of Decision becomes available, please send a copy to the address above (Mail Code: ENF 4-2). Should you have any questions, please contact me at (415) 947-4161, or contact Hugo Hoffman, the lead reviewer for this project. Hugo can be reached at 415-972-3929 or [hoffman.hugo@epa.gov](mailto:hoffman.hugo@epa.gov).

Sincerely,



Connell Dunning, Acting Manager  
Environmental Review Section

cc: William Steele, U.S. Bureau of Reclamation, Temecula  
Brian Brady, Fallbrook Public Utility District  
Michelle Lynch, U.S. Army Corps of Engineers  
G. Mendel Stewart, US. Fish and Wildlife Service, Carlsbad  
Barry Thom, National Marine Fisheries Service